

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2010 MAY 13 P 2:55

TOTAL BASE BID 493,000
ALT NO. 1 _____
ALT NO. 2 _____
ALT NO. 3 _____
Alt No. 4 _____
Alt No. 5 _____

BID DATE: Thursday, May 13, 2010

Project Manager: Morgan Loatfi ~ 535.8350

BERRYESSA BRANCH LIBRARY
PARKING LOT IMPROVEMENTS

BIDDER'S NAME: O'Gredy

Bond ☒ Cashier's Check _____

Addendums Included () 1, 2, 3

Non-Collusion Affidavit

YES ☒ NO _____

YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR

BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS

Name of Bidder: *O'Grady Paving Inc.*

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on April 16, 2010, entitled **PLANS FOR BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS** and the Specifications approved by the Director of Public Works on April 16, 2010, entitled **PLANS FOR BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page.

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

**Schedule of Quantities
for
Berryessa Branch Library Parking Lot Improvements**

Contractor:

Project No: 6311

Item	Specification Section	Description of Item	Total
1	013000	Administrative Requirements	30,000 -
2	015000	Traffic Control	10,000 -
3	015000	Utility Conflict Cost Allowance (Revocable)	\$ 4,500.00 (Force Account)
4	015000	Water Pollution Control Plan	\$ 8,500.00 (Fixed Lump Sum)
5	021100	Hazardous Materials Abatement (Revocable)	75,000 -
6	024100, 017419	Demolition	41,000 -
7	101400	Signage	10,000 -
8	Various	Electrical	70,000 -
9	311000	Site Clearing	7,000 -
10	312200, 023000	Grading	35,000 -
11	320100	Operation and Maintenance	2,000 -
12	321100	Base Courses	30,000 -
13	321200, 321723	Flexible Paving	60,000 -
14	Various	Rigid Paving	40,000 -
15	Various	Landscaping	35,000
16	334000, 334713	Storm Drainage Utilities	35,000 -
		Total Base Bid Amount (Items 1 Through 16, Inclusive) for the Lump Sum Total of:	493,000 ✓

NOTE TO BIDDERS:

The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

NONCOLLUSION AFFIDAVIT

Project Title: BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS

Craig E. Young (print name) O'Grady Paving, Inc., being first duly sworn, deposes and says that he is VP of

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on May 13, 2010

O'Grady Paving, Inc.
Legal Company Name

Corporation
Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 3417101210
Expiration Date: 1/15/11
State Contractor Lic. No.: 201696
Classification: A
Expiration Date: 12/31/10
Federal I. D. No.: 94-1493692
Address: 2513 Wyandotte St.
Mountain View, CA 94043

By: Craig E. Young
Title: VP

Telephone: (650) 966-1926

NOTARY

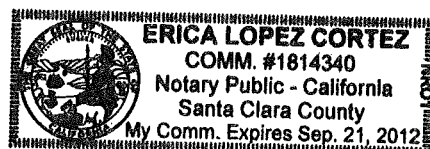
On May 13, 2010 before me, Erica Lopez Cortez, Notary Public, personally appeared Craig E. Young (name and title of officer) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature E. Lopez Cortez
Notary Public

(Seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, O'Grady Paving, Inc. as PRINCIPAL, and Travelers Casualty and Surety Company of America, a corporation duly organized under the laws of the State of Connecticut and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of Amount Bid DOLLARS (\$ 10%).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on May 13, 2010 for **BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS**.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Oblige and judgement is recovered, the Surety shall pay all costs incurred by the Oblige in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 23rd
day of Aoril, 2010.

PRINCIPAL

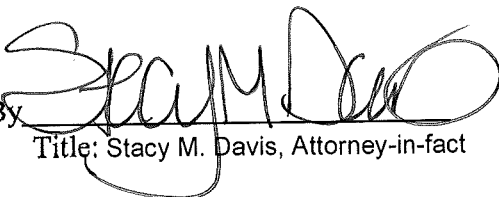
SURETY

O'Grady Paving, Inc.
Legal Company Name

Travelers Casualty and
Surety Company of America
Legal Company Name

Corporation
Indicate Type of Entity

By 
Title: VP

By 
Title: Stacy M. Davis, Attorney-in-fact

By _____
Title: _____

By _____
Title: _____

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

California All-Purpose Acknowledgment

State of California

County of Santa Clara } ss.

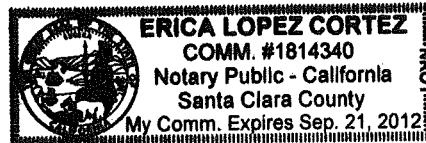
On May 13, 2010 before me, Erica Lopez Cortez, Notary Public
personally appeared Craig E. Young

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Erica Lopez Cortez
Signature of Notary Public



This area for official notarial seal

(Optional) My commission expires on: _____

(Optional) Phone No.: _____



POWER OF ATTORNEY

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 221569

Certificate No. 003208642

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Catherine A. Pinney, Nancy L. Wallis, K. Dixon Wright, Stacy M. Davis, Donnalyn Revis, and Cheryl A. Ripley

of the City of Petaluma, State of California, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of September, 2009.

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company



State of Connecticut
 City of Hartford ss.

By: George W. Thompson
 George W. Thompson, Senior Vice President

On this the 1st day of September, 2009, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
 My Commission expires the 30th day of June, 2011.



Marie C. Tetreault
 Marie C. Tetreault, Notary Public

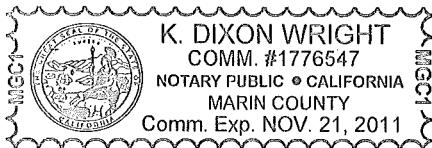
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sonoma

On April 23, 2010 before me, K. Dixon Wright, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Stacy M. Davis
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Stacy M. Davis

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____
Travelers Casualty and Surety Company
of America

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Campanella	Hayward	Demolition
RH Concrete	San Jose	Concrete
Cohen	San Jose	Landscaping
Signal	San Jose	Electrical
Crisp	Fremont	Striping

STATEMENT OF BIDDER'S EXPERIENCE

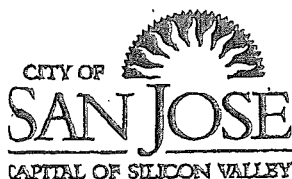
The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

Previous City of San Jose Projects



Department of Public Works

CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

April 28, 2010

**ADDENDUM NO. 1
TO THE PLANS AND SPECIFICATIONS FOR
BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of, and incorporated into the Plans and Specifications for Berryessa Branch Library Parking Lot Improvements.

PROJECT SPECIFICATIONS:

NOTICE TO CONTRACTOR:

ADD:

1. OPTIONAL PRE-BID MEETING

A pre-bid meeting and site walk thru for this project will be conducted at 9:30 a.m. on May 3 and May 5, 2010 (Monday & Wednesday). The pre-bid meeting will be held at the Berryessa Branch Library Parking Lot located at 3355 Noble Avenue, San Jose, California 95132 (corner of Collette Drive and Noble Avenue).

- **Attendance Recommended:** Although attendance is not required, the Owner highly recommends that Bidders attend one of the optional pre-bid meetings because access thru the gated Old Berryessa Branch Library to be demolished will be available. No other access thru the gated area will be provided prior to bid opening.
- **Failure to Attend:** A Bidder who elects not to attend an optional pre-bid is still responsible for properly informing itself of all Project requirements. A Bidder's failure to attend does not relieve the Bidder from any obligation with respect to the Bid, the contract or the Work. A Bidder who fails to attend the pre-bid meeting is not entitled to any Contract Change Order related to information provided at the pre-bid meeting.

2. REQUEST FOR INFORMATION (RFI'S) PRIOR TO BID OPENING

- **RFI's :** All Request For Information prior to bid opening shall be made by email to the project manager (morgan.loatfi@sanjoseca.gov) and submitted on or before 5:00 p.m. Thursday, May 6, 2010.

IMPORTANT

INSTRUCTIONS TO BIDDERS:

This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

O'Quady Paving Inc.
Bidder's Name

Ray E. Young VP
Signature and Title of Bidder

Approved By:

KATY ALLEN
Director
Department of Public Works

May 3, 2010

**ADDENDUM NO. 2
TO THE PLANS AND SPECIFICATIONS FOR
BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of, and incorporated into the Plans and Specifications for Berryessa Branch Library Parking Lot Improvements:

PROJECT SPECIFICATIONS:

1. BID DOCUMENTS: ATTACHMENT 4 - INSURANCE REQUIREMENTS

a) D-1 Minimum Scope of Insurance

DELETE Item 5 – Professional Liability Errors and Omissions for all professional services

b) D-2 Minimum Limits of Insurance

DELETE Item 5 – Professional Liability Errors and Omissions Insurance \$2,000,000 each occurrence / aggregate limit

2. SECTION 021100 – HAZARDOUS MATERIALS ABATEMENT

ADD the attached Appendix A – ASBESTOS AND LEAD SURVEY REPORT (19 pages).

Notwithstanding anything in Section 2-1.03 of the Standard Specifications to the contrary, bidders may rely on the data in the Asbestos and Lead Report except to the extent that a bidder knows or reasonably should have known of any inaccuracy, and bidders may make reasonable inferences, conclusions and interpretations from the data in the Asbestos and Lead Report, provided that the City is not responsible for any such inferences, conclusions or interpretations. Bidders can *not* rely on or make inferences from conclusions, interpretations, opinions or conditional statements in the Asbestos and Lead Report.

IMPORTANT

INSTRUCTIONS TO BIDDERS:

This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

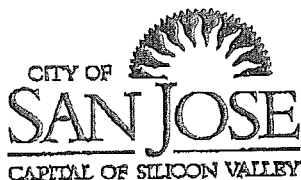
O'Grady Paving Inc.
Bidder's Name

Ray E. Young VP
Signature and Title of Bidder

5-13-10
Date
Attachments

Approved By:

Katy Allen
KATY ALLEN
Director
Department of Public Works



Department of Public Works
CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

May 7, 2010

ADDENDUM NO. 3
TO THE PLANS AND SPECIFICATIONS FOR
BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of, and incorporated into the Plans and Specifications for Berryessa Branch Library Parking Lot Improvements:

PROJECT PLANS AND SPECIFICATIONS:

SECTION 311000 - BID ITEM NO. 9 SITE CLEARING
SECTIONS 260100-265200 - BID ITEM NO. 8 ELECTRICAL

ADD the attached Appendix B - FILTER TANK REMOVAL AND RELATED WORK (1 page).

Payment to comply with the attached Appendix B shall be included on Bid Items 8 and 9 respectively.

IMPORTANT

INSTRUCTIONS TO BIDDERS:

This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

O'Grady Paving Inc.
Bidder's Name

Ray E. Garry UP
Signature and Title of Bidder

5-13-10
Date
Attachments

Approved By:

[Signature]
for KATY ALLEN
Director
Department of Public Works